IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE Mr. JUSTICE N.V. RAMANA

WRIT PETITION No. 24800 of 2004

Between:

Rayudu Visali, W/o. Nageswara Rao,
R/o. D.No. 56-1-112, Bapuji Nagar, Jagannaickpur,
East Godavari District.

..... PETITIONER

AND

1 Govt of A.P., rep. by its Secretary, Revenue Department,
Secretariat, Hyd.
2 District Collector, East Godavari District, Kakinada.
3 Mandal Revenue Officer, Kakinada, Urban, Kakinada,
East Godavari District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to Issue a writ of Mandamus or any other appropriate writ, order or direction declaring the action of the respondents in seeking to dispossess her from her house property bearing D.No.56-1-107, Bapuji Nagar, Jagannaickpur, Kakinada East Godavari District without following the due process of law as illegal, arbitrary etc.

Counsel for the Petitioner : Mr.V.V.L.N.SARMA

Counsel for Respondents : G.P. FOR REVENUE

The Court at the admission stage, made the following :

ORDER:

Heard the learned counsel for petitioner and the learned Government Pleader for Revenue and both of them agreed for disposal of the writ petition at the stage of admission.

The petitioner claims to be owner of property bearing D.No. 56-1-107 admeasuring 68 sq.yards in Ward No.23, Block No.56, Bapuji Nagar, Jagannaikpur, Kakinada Municipality. The grievance of the petitioner is that though he purchased the said property under registered sale deed dated 6.4.1999 from One Sri Mummidi Appa Rao for valuable consideration and paying taxes on the property, the third respondent is interfering with his possession and threatening to evict the petitioner. Challenging the said action of the respondent, the present writ petition is filed.

Having regard to the facts and circumstances of the case, without going into merits of the matter, I deem it appropriate to direct the respondents not to dispossess the petitioner from the property in question without following due process of law. However, it is made clear that if the subject land is a Government land, the respondents are at liberty to proceed against the petitioner by following due procedure as contemplated under law.

The writ petition, with the above observations and directions, is accordingly disposed of. No costs.

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N.V.RAMANA, J

Date: 30.12.2004

TVK/DA

To

1 The Secretary, Govt of A.P., Revenue Department, Secretariat, Hyderabad.
2 The District Collector, East Godavari District, Kakinada.
3 The Mandal Revenue Officer, Kakinada, Urban, Kakinada, East Godavari District.

4 Two CCs to the G.P. for Revenue, High Court Buildings, Hyderabad.

5 Two CD copies.